

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 5, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate page Raegan Arnoldy.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

HONORED GUESTS

The President introduced the South Dakota State Voice of Democracy winner, Rachel Audiss of Colome and Callie Mueller of Waverly/South Shore, the South Dakota Patriot's Pen essay winner.

Accompanying the students were Veterans of Foreign Wars National Councilman Russell Dramstad and National Council Member Connie Heggstad; Department of South Dakota Commander Gary Kuecker and Department of South Dakota Ladies Auxiliary President Neta Peterka; Teachers of the Year Jill Tiffany, Creekside Elementary, Spearfish; Julie Rohde, Colome School District, and Kerry Konda, Aberdeen Central High School.

COMMUNICATIONS AND PETITIONS

December 19, 2012

The Honorable Matt Michels
President of the Senate
State Capitol
Pierre, SD 57501

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Section 42-7A-17 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed James E. Putnam, Douglas County, Armour, South Dakota, to the South Dakota Lottery Commission.

This appointment is effective January 8, 2013, and shall continue until January 1, 2014.

Sincerely,
Dennis Dugaard
Governor

The President announced the referral of the appointment to the Committee on State Affairs.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 26 and 37 were delivered to his Excellency, the Governor, for his approval at 9:30 a.m., February 5, 2013.

Respectfully submitted,
Corey Brown, Chair

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration
3 SB 233 and returns the same with the recommendation that said bill be amended as follows:

4 233cb

5 On page 5 of the printed bill, delete lines 11 to 24, inclusive, and insert:

6 "Section 9. There is hereby appropriated from the general fund the sum of five million
7 dollars (\$5,000,000), or so much thereof as may be necessary, to the education enhancement
8 trust fund created pursuant to S.D. Const., Art. XII, § 6 to allow the funds to be invested to fund
9 the critical teaching needs scholarship program created in this Act.

10 Section 10. The state treasurer shall approve vouchers and the state auditor shall draw
11 warrants to pay expenditures authorized by this Act.

12 Section 11. That § 4-5-29.2 be amended to read as follows:

13 4-5-29.2. Pursuant to S.D. Const., Art. XII, § 6, the state investment officer shall determine
14 the market value of the education enhancement trust fund as of December 31, 2003, and each
15 calendar year thereafter less the investment expenses transferred pursuant to § 4-5-30. The state
16 investment officer shall calculate an amount equal to four percent of that market value, without
17 invading principal, as eligible for distribution. For the purpose of this section, the term,
18 principal, means the sum of all contributions to the fund. Beginning with the distribution in
19 fiscal year 2008, the market value shall be determined by adding the market value of the trust
20 fund at the end of the sixteen most recent calendar quarters as of December thirty-first, and
21 dividing the sum by sixteen. Upon notice of that amount by the state investment officer, the state
22 treasurer shall transfer the amount from the education enhancement trust fund to the state
23 general fund as soon as practicable after July first of the next fiscal year.

24 Beginning in fiscal year 2015, a portion of the funds annually distributed to the general fund
25 pursuant to this section representing the percentage of the appropriation in section 9 of this Act,
26 when deposited, to the total fair value of the education enhancement fund applied to the
27 distribution amount shall be used to fund the critical teaching needs scholarship program created
28 in this Act."

29 On page 6, delete lines 1 to 12, inclusive.

30 233cta

31 On page 1 of the printed bill, delete line 2, and insert "and to make an appropriation to the
32 education enhancement trust fund to provide for the annual funding of the scholarships."

33 And that as so amended said bill be referred to the Committee on Appropriations.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration SB 79
3 which was tabled.

4 Also MR. PRESIDENT:

5 The Committee on Education respectfully reports that it has had under consideration
6 SB 213 which was deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 J. Mark Johnston, Chair

9 Also MR. PRESIDENT:

10 The Committee on Commerce and Energy respectfully reports that it has had under
11 consideration SB 100 and 134 which were deferred to the 41st Legislative Day.

12 Respectfully submitted,
13 Ried S. Holien, Chair

14 Also MR. PRESIDENT:

15 The Committee on Agriculture and Natural Resources respectfully reports that it has had
16 under consideration SB 74 and 152 and returns the same with the recommendation that said bills
17 do pass.

18 Also MR. PRESIDENT:

19 The Committee on Agriculture and Natural Resources respectfully reports that it has had
20 under consideration SB 227 and returns the same with the recommendation that said bill do pass
21 and be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Agriculture and Natural Resources respectfully reports that it has had
24 under consideration SB 205 and returns the same with the recommendation that said bill be
25 amended as follows:

26 205ta

27 On page 1, line 8, of the printed bill, delete everything after "which" and insert "the State
28 of South Dakota has preeminent authority over the management of wolves."

1 On page 1, delete lines 9 and 10.

2 And that as so amended said bill do pass.

3 Also MR. PRESIDENT:

4 The Committee on Agriculture and Natural Resources respectfully reports that it has had
5 under consideration SB 155 and returns the same with the recommendation that said bill be
6 referred to the Committee on Appropriations.

7 Also MR. PRESIDENT:

8 The Committee on Agriculture and Natural Resources respectfully reports that it has had
9 under consideration SB 95 which was deferred to the 41st Legislative Day.

10 Respectfully submitted,
11 Shantel Krebs, Chair

12 Also MR. PRESIDENT:

13 The Committee on Judiciary respectfully reports that it has had under consideration SB 132
14 and returns the same with the recommendation that said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Judiciary respectfully reports that it has had under consideration SB 218
17 and returns the same with the recommendation that said bill be amended as follows:

18 218od

19 On page 2, line 10, of the printed bill, delete "a minimum period of" and insert "at least".

20 On page 2, line 10, after "." insert "Any attorney who agrees to practice for at least five
21 years in an eligible rural county is also eligible to participate in the recruitment assistance
22 program."

23 On page 2, delete line 11, and insert "more than four persons may be added to the program
24 in any one year and no more than a total of sixteen persons may participate in the program. No
25 person may be added to the program after July 1, 2017."

26 On page 2, line 12, delete "An" and insert "Any law student or".

1 On page 2, line 18, delete "full".

2 On page 2, line 21, delete "The" and insert "For a law student the".

3 On page 2, line 23, after "." insert "For an attorney one-third of the incentive payment shall
4 be paid after each year of the attorney's first three years of practice in an eligible rural county
5 and the county has paid its one-third portion of the incentive payment. However, a county may
6 prepay its portion of the incentive payment any time during the three-year period."

7 On page 3, line 8, after "." insert "The agreement shall provide that the attorney practice
8 law full-time in the eligible county for at least five years."

9 And that as so amended said bill be referred to the Committee on Appropriations.

10 Also MR. PRESIDENT:

11 The Committee on Judiciary respectfully reports that it has had under consideration SB 177
12 which was deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Craig Tieszen, Chair

15 **MESSAGE FROM THE HOUSE**

16 MR. PRESIDENT:

17 I have the honor to transmit herewith HB 1013, 1015, 1016, 1102, 1103, 1120, 1122, 1123,
18 1141, 1152, 1157, and 1169 which have passed the House and your favorable consideration is
19 respectfully requested.

20 Respectfully,
21 Arlene Kvislen, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Yesterday, Sen. Rhoden announced his intention to reconsider the vote by which SB 161
24 lost.

25 Sen. Rhoden moved that the Senate do now reconsider the vote by which SB 161 lost.

1 The question being on Sen. Rhoden's motion to reconsider the vote by which SB 161 lost.

2 And the roll being called:

3 Yeas 16, Nays 19, Excused 0, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Buhl; Frerichs; Jensen; Kirkeby; Krebs; Lederman; Maher;
6 Rampelberg; Rave; Rhoden; Sutton; Tieszen; Vehle

7 Nays:

8 Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Johnston; Jones; Lucas; Monroe;
9 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Soholt; Tidemann; Van Gerpen;
10 Welke; White

11 So the motion not having received an affirmative vote of a majority of the members-elect,
12 the President declared the motion lost.

13 Sen. Olson moved that SB 159 be deferred to Wednesday, February 6, the 19th legislative
14 day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Sen. Olson moved that the reports of the Standing Committees on

18 Taxation on SB 121 as found on page 303 of the Senate Journal; also

19 Transportation on SB 216 as found on page 303 of the Senate Journal; also

20 Health and Human Services on SB 133 as found on page 304 of the Senate Journal; also

21 Health and Human Services on SB 209 as found on page 305 of the Senate Journal; also

22 State Affairs on SB 125 as found on page 316 of the Senate Journal; also

23 Taxation on SJR 2 as found on page 302 of the Senate Journal; also

24 State Affairs on SB 153 as found on page 317 of the Senate Journal be adopted.

25 Which motion prevailed.

1 Sen. Frerichs moved that the words "without recommendation" be stricken from the report
2 of the Committee on State Affairs on SB 153, that the words "do pass" be inserted, and that the
3 bill be placed on the calendar of Wednesday, February 6, the 19th legislative day.

4 The question being on Sen. Frerichs' motion that the words "without recommendation" be
5 stricken from the report of the Committee on State Affairs on SB 153, that the words "do pass"
6 be inserted, and that the bill be placed on the calendar of Wednesday, February 6, the 19th
7 legislative day.

8 And the roll being called:

9 Yeas 24, Nays 11, Excused 0, Absent 0

10 Yeas:

11 Adelstein; Begalka; Bradford; Buhl; Frerichs; Hunhoff (Jean); Jensen; Jones; Kirkeby; Krebs;
12 Lederman; Lucas; Maher; Monroe; Rampelberg; Rhoden; Sohlt; Sutton; Tidemann; Tieszen;
13 Van Gerpen; Vehle; Welke; White

14 Nays:

15 Brown; Ewing; Heineman (Phyllis); Holien; Johnston; Novstrup (Al); Olson (Russell); Omdahl;
16 Otten (Ernie); Peters; Rave

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 President declared the motion carried, and SB 153 was so placed.

19 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

20 HB 1013: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to
21 construct multi-use storage facilities at South Dakota State University and to make an
22 appropriation therefor.

23 Was read the first time and referred to the Committee on Appropriations.

24 HB 1015: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to
25 contract for the construction of an addition, remodeling, and renovation of Medary Commons
26 on the campus of South Dakota State University and to make an appropriation therefor.

27 Was read the first time and referred to the Committee on Appropriations.

28 HB 1016: FOR AN ACT ENTITLED, An Act to revise the location of the cow-calf
29 research and education unit authorized in chapter 107 of the 2012 Session Laws.

30 Was read the first time and referred to the Committee on Appropriations.

1 HB 1102: FOR AN ACT ENTITLED, An Act to revise provisions regarding the South
2 Dakota Life and Health Insurance Guaranty Association Act.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 HB 1103: FOR AN ACT ENTITLED, An Act to exempt credit health insurers from certain
5 provisions related to preexisting conditions.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 HB 1120: FOR AN ACT ENTITLED, An Act to allow regional intergovernmental
8 cooperation for sewer utilities and to provide for the establishment of rates and charges.

9 Was read the first time and referred to the Committee on Local Government.

10 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain requirements relating to
11 health insurance plans for county officers and employees.

12 Was read the first time and referred to the Committee on Local Government.

13 HB 1123: FOR AN ACT ENTITLED, An Act to increase the surcharge on certain hunting
14 licenses.

15 Was read the first time and referred to the Committee on Agriculture and Natural
16 Resources.

17 HB 1141: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certain
18 motor vehicle dealer license plates and permits.

19 Was read the first time and referred to the Committee on Transportation.

20 HB 1152: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
21 administrative office and to the appointment and direction of the executive director of the South
22 Dakota Wheat Utilization, Research and Market Development Commission.

23 Was read the first time and referred to the Committee on Agriculture and Natural
24 Resources.

25 HB 1157: FOR AN ACT ENTITLED, An Act to increase certain penalties regarding the
26 sale of petroleum products.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 HB 1169: FOR AN ACT ENTITLED, An Act to amend the provisions regarding the
3 reimbursement of a physical exam of a victim after a rape.

4 Was read the first time and referred to the Committee on Health and Human Services.

5 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

6 The Senate proceeded to the consideration of the executive reappointment of James C.
7 Spies of Codington County, Watertown, South Dakota, to the Game, Fish and Parks
8 Commission.

9 The question being "Does the Senate advise and consent to the executive reappointment
10 of James C. Spies pursuant to the executive message as found on page 214 of the Senate
11 Journal?"

12 And the roll being called:

13 Yeas 34, Nays 1, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup
17 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
18 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 Nays:

20 Maher

21 So the question having received an affirmative vote of a majority of the members-elect, the
22 President declared the reappointment confirmed.

23 The Senate proceeded to the consideration of the executive appointment of Gary D. Jensen
24 of Pennington County, Rapid City, South Dakota, to the Game, Fish and Parks Commission.

25 The question being "Does the Senate advise and consent to the executive appointment of
26 Gary D. Jensen pursuant to the executive message as found on page 214 of the Senate Journal?"

27 And the roll being called:

28 Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup
4 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
5 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Maher

8 So the question having received an affirmative vote of a majority of the members-elect, the
9 President declared the appointment confirmed.

10 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 SB 239: FOR AN ACT ENTITLED, An Act to repeal the state's membership in the
12 multistate tax commission.

13 Was read the second time.

14 The question being "Shall SB 239 pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
20 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
21 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 SB 174: FOR AN ACT ENTITLED, An Act to provide that an out-of-country foreign
25 judgment need not be recognized if the cause of action resulted in a defamation judgment
26 obtained in a jurisdiction outside the United States, unless a court in this state first determines
27 that the defamation law applied in the foreign court's adjudication provided at least as much
28 protection for freedom of speech and press as would be provided in this state by enacting the
29 free speech defense Act.

30 Was read the second time.

174ja

1

2

Sen. Lederman moved that SB 174 be amended as follows:

3

On page 2, line 8, of the printed bill, delete "2010" and insert "2013".

4

On page 2, line 9, delete "2010" and insert "2013".

5

Which motion prevailed.

6

The question being "Shall SB 174 pass as amended?"

7

And the roll being called:

8

Yeas 34, Nays 1, Excused 0, Absent 0

9

Yeas:

10 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
11 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
12 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
13 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 Nays:

15 Buhl

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 SB 119: FOR AN ACT ENTITLED, An Act to ensure freedom of media coverage of high
19 school activities.

20 Was read the second time.

21 The question being "Shall SB 119 pass as amended?"

22 And the roll being called:

23 Yeas 27, Nays 8, Excused 0, Absent 0

24 Yeas:

25 Adelstein; Begalka; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
26 (Jean); Jensen; Johnston; Jones; Krebs; Lederman; Lucas; Maher; Novstrup (Al); Olson
27 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Sutton; Tidemann; Van
28 Gerpen

1 Nays:

2 Bradford; Kirkeby; Monroe; Soholt; Tieszen; Vehle; Welke; White

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 SB 147: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
6 domestic abuse and protection orders.

7 Was read the second time.

8 The question being "Shall SB 147 pass as amended?"

9 And the roll being called:

10 Yeas 33, Nays 2, Excused 0, Absent 0

11 Yeas:

12 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
13 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
14 Novstrup (Al); Olson (Russell); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
15 Tidemann; Tieszen; Vehle; Welke; White

16 Nays:

17 Otten (Ernie); Van Gerpen

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 SB 115: FOR AN ACT ENTITLED, An Act to increase the commercial fertilizer
21 inspection fee for purposes of fertilizer-related research and to create the Nutrient Research
22 Education Council to promote such research.

23 Was read the second time.

24 The question being "Shall SB 115 pass?"

25 And the roll being called:

26 Yeas 30, Nays 5, Excused 0, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Buhl; Ewing; Frerichs; Heineman (Phyllis); Hunhoff (Jean);
29 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al); Olson
30 (Russell); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
31 Van Gerpen; Vehle; Welke; White

1 Nays:

2 Brown; Holien; Maher; Peters; Rave

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 Sen. Olson moved that SB 224, 105, 106, 107, and 185 be deferred to Wednesday,
6 February 6, the 19th legislative day.

7 Which motion prevailed.

8 SB 200: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
9 campaign finance.

10 Was read the second time.

11 The question being "Shall SB 200 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 HB 1024: FOR AN ACT ENTITLED, An Act to provide for the addition of certain
23 employees of the municipality of Sioux Falls to the South Dakota Retirement System.

24 Was read the second time.

25 The question being "Shall HB 1024 pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain actuarial and reporting
9 requirements relating to the South Dakota Retirement System.

10 Was read the second time.

11 The question being "Shall HB 1025 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 Sen. Olson moved that the balance of the calendar including HB 1019, 1020, and 1091 be
22 deferred to Wednesday, February 6, the 19th legislative day.

23 Which motion prevailed.

24 **SIGNING OF BILLS**

25 The President publicly read the title to

26 HB 1026: FOR AN ACT ENTITLED, An Act to comply with certain Internal Revenue
27 Code requirements relating to maximum annual benefits paid to members of the South Dakota
28 Retirement System and to provide for the update of references to the Internal Revenue Code.

1 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 application of the special pay retirement program of the South Dakota Retirement System.

3 HB 1042: FOR AN ACT ENTITLED, An Act to authorize manufactured home dealers to
4 submit license fees directly to the Department of Revenue and to provide an electronic renewal
5 notice to certain dealers.

6 HB 1043: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to
7 establish an electronic title system for motor vehicles and to revise certain provisions regarding
8 an electronic lien filing system.

9 And signed the same in the presence of the Senate.

10 **COMMEMORATIONS**

11 SC 4 Introduced by: Senators Maher, Adelstein, Jensen, Rampelberg, Rave, and Rhoden
12 and Representatives Schrempp, Conzet, Olson (Betty), and Verchio

13 A LEGISLATIVE COMMEMORATION, Honoring and commending the recipients of the
14 Governor's Awards in the Arts.

15 WHEREAS, the 21st Governor's Awards in the Arts will be celebrated on February 6, 2013,
16 in Pierre; and

17 WHEREAS, Dale Lamphere of Sturgis will receive the award for Distinction in Creative
18 Achievement; and

19 WHEREAS, Marcia Donnan Mitchell of Hill City will receive the award for Outstanding
20 Support of the Arts by an Individual; and

21 WHEREAS, Bev Rose of Eagle Butte will receive the award for Outstanding Service to Arts
22 Education; and

23 WHEREAS, Prairie Edge Trading Company and Galleries of Rapid City will receive the
24 award for Outstanding Support of the Arts by an Organization; and

25 WHEREAS, Kevin Locke will be honored for being named as the 2013 Living Indian
26 Treasure:

27 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
28 State of South Dakota, that the Legislature honors the recipients of the Governor's Awards in
29 the Arts for 2013.

1 SC 5 Introduced by: Senators Adelstein, Begalka, Bradford, Brown, Buhl, Ewing, Frerichs,
2 Heineman (Phyllis), Holien, Hunhoff (Jean), Jensen, Johnston, Jones, Kirkeby, Krebs,
3 Lederman, Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie),
4 Peters, Rampelberg, Rave, Rhoden, Soholt, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle,
5 Welke, and White and Representatives Gosch, Bartling, Bolin, Cammack, Campbell, Conzet,
6 Craig, Dryden, Duvall, Ecklund, Erickson, Feickert, Feinstein, Gibson, Greenfield, Haggar
7 (Don), Haggar (Jenna), Hajek, Hansen, Hawks, Hawley, Heinemann (Leslie), Heinert, Hickey,
8 Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kirschman, Kopp, Latterell, Lust, Magstadt,
9 May, Mickelson, Miller, Munsterman, Nelson, Novstrup (David), Olson (Betty), Otten
10 (Herman), Parsley, Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Russell, Schaefer,
11 Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio,
12 Werner, Westra, Wick, Wink, and Wismer

13 A LEGISLATIVE COMMEMORATION, Commending and congratulating Colton Manville,
14 Trevor Mahoney, and Dean Laganieri, students at the South Dakota School of Mines &
15 Technology, for qualifying for the Olympics of Computer Science which will take place in
16 Russia.

17 WHEREAS, in November 2012, these students competed in the Association for Computing
18 Machinery (ACM) regional qualifier against two hundred thirty-nine teams representing eight
19 states and two Canadian provinces; and

20 WHEREAS, the South Dakota School of Mines & Technology's World Finals qualifying
21 team was among five, three-person teams from that institution, and all five teams placed within
22 the top one-third of the regional contest; and

23 WHEREAS, the South Dakota School of Mines & Technology has qualified for the World
24 Finals of the ACM International Collegiate for the fifth time:

25 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
26 State of South Dakota, that these students from the South Dakota School of Mines &
27 Technology be recognized and congratulated on this fine achievement.

28 Sen. Maher moved that the Senate do now adjourn, which motion prevailed and at
29 4:02 p.m. the Senate adjourned.

30 Jeannette Schipper, Secretary